

Testimony in Support of Proposed Bill No. 5964

"An Act Concerning the Cross Endorsement of Candidates"

Testimony by
Matthew S. Knickerbocker
10 Colonial Drive
Bethel, CT 06801

A flaw exists in the construction of Connecticut's Minority Party Representation Law which allows the candidates representing one major party to skirt the minority party requirement and block their major party opponents from assuming the elected office to which they should be entitled. This is accomplished when one major party engages in a mutual cross endorsement of its candidates with those of one or more "third" or "tertiary" party candidates. In such cases, the names of those cross endorsed candidates appear on multiple lines on the ballot. Due to the effect of cross endorsement, the combined votes often circumvent the intent of the Minority Party law and award the election to the "third party" candidate, despite the fact that the candidate won the seat simply by virtue of the endorsement from the major party. An illustration of how this works is given below in an example of a hypothetical five-member municipal board. Candidates are numbered 1 through 5 and hypothetical vote totals are given for each:

EXAMPLE A: TWO MAJOR PARTIES W/ 3RD PARTY, NO X-ENDORSEMENT

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
RED PARTY	100	100	100	100	100
BLUE PARTY	95	95	95	95	95
GREEN PARTY	10	10	--	--	--
Outcome of elec.	BLUE	BLUE	RED	RED	RED

EXAMPLE B: TWO MAJOR PARTIES w/ 3RD PARTY X-ENDORSEMENT

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
RED PARTY	95	95	100	100	100
GREEN PARTY	10	10			
Red + Green	105	105			
BLUE PARTY	100	100	95	95	95
Outcome of elec.	GREEN	GREEN	RED	RED	RED

In Example B, the effect of the cross endorsement between the RED and GREEN parties on the Minority Party law causes the GREEN candidates to win on the basis that they are now the "minority party," despite the fact that the BLUE party candidates received the highest total votes, and despite the fact that neither of the GREEN party candidates could have won seats on their own merit.

The combination of cross party endorsements with the Minority Party Law has the following detrimental effects on Connecticut voters in municipal elections:

- The will of the voters is overruled; major party candidates with wide voter support are denied office.
- The influence of third party candidates, who have not earned wide public support, is greatly exaggerated.
- Since major political parties invariably cross endorse only with third parties with which they are philosophically compatible, the composition of town governing boards often lack the political diversity which the Minority Party Law sought to protect. In many cases, nearly half of a town's voting population will have no voice on the most powerful boards and commissions.
- Cross endorsements often produce confusing ballots with the same candidate names appearing on multiple party lines, greatly enhancing the visual impact of the cross endorsed candidates, and can lead to errors that could cause ballots to be rejected.

A real, rather than hypothetical example of the detrimental effect on voters can be seen in the 2007 Bethel municipal election. In that contest, a total of 58 seats on the towns' top boards were open for election. The Republican, Pro Bethel and Bethel Independent Parties forged three way cross endorsements for the purpose using the Minority Party law to block Democratic candidates. An analysis of the total votes cast by party affiliation showed the following:

Democrats	49.8%
Republicans	42.3
Independent	6.3
Pro Bethel	1.2
Unknown Party	0.4

The outcome: Despite receiving close to half of all votes cast, as well as outscoring the nearest major party by seven percentage points, *Democratic candidates won just 3 of 58 seats, or 5% of the total seats available.* The seats that would have gone to Democratic candidates, either by direct vote or by virtue of the Minority Party Law, are now held by the Republican affiliated Independent and Pro Bethel party members.

The solution is to close the loophole through a small modification to the Minority Party law that simply requires any cross endorsed minority party candidate to be considered a member of the party line that delivers the highest vote total to each individual candidate. This is the intent of proposal # 5964, and it should be passed into law.